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10/583,463	06/19/2006	Yukihiro Kiuchi	W1878.0234	2531
32173 7590 02/06/2009 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
EXAMINER				
OJURONGBE, OLATUNDE S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Concerning the applicants' argument about the impurity level of the species disclosed in the reference (Yamada) being greater than 0.2%, the examiner notes that the disclosure of Yamada is not limited to exemplified or preferred embodiments, but rather, encompasses all the embodiments disclosed by the reference; and as pointed out in prior office action, Yamada teaches a purity level of the metal hydrate (aluminum hydroxide) of preferably about 99.5% or more [0045, lines 1-3 and lines 28-30]. This encompasses a purity level of from about 99.5% to 100%, thereby teaching an impurity level of from about 0.5% to 0.0%.

Concerning the applicants' argument that there is no reason to undertake the difficult and costly task of reducing the impurities beyond 0.5% in the absence of any advantage to be achieved as a result, the examiner notes that one of ordinary skill in the art would have envisaged a metal hydrate (aluminum hydroxide) with a lower impurity level to have better properties, especially shelf stability as taught by Yamada, than one with higher amount of impurities, with the properties getting better as the level of impurities decreases. Moreover, the fact that a combination would not be made by businessmen for economic reasons does not mean that a person of ordinary skill in the art would not make the combination because of some technological advantage.

Concerning the applicants' argument about a showing of unexpected results, the examiner notes that whether the unexpected results are the result of unexpectedly improved results or a property not taught by the prior art, the objective evidence of nonobviousness must be commensurate in scope with the

Art Unit: 1796

claims which the evidence is offered to support. In other words, the showing of unexpected results must be reviewed to see if the results occur over the entire claimed range. In the present application, that is not the case as shown in Fig 1.

Regarding the applicants' argument about claims 6 and 12-15, the reason for combining the references is as set forth in prior office action.

Regarding the applicants' argument about claims 7 and 16-19, the reason for combining the references is as set forth in prior office action.

Regarding claim 20, the reason for combining the references is as set forth in prior office action.

Provided is an ICSC MSDS for sodium oxide to show that it supports combustion of other materials.

/Olatunde S Ojurongbe/

Examiner, Art Unit 1796

/Randy Gulakowski/

Supervisory Patent Examiner, Art Unit 1796